

REMARKS

This responds to the Office Action mailed on November 20, 2006.

Claims 1-31 are now pending in this application.

Double Patenting Rejection

Claims 1-31 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-28 of U.S. Patent No. 6,632,031.

Applicant respectfully traverses the rejection and requests the Office to consider the following. The scope of claims in the instant application is both different and patentably distinct from the cited reference. Nowhere in the cited reference, is the limitation of dynamic random-access memory taught. Since all the elements the claims are admitted not to be found in the cited reference, and since the rejection is based upon a single-reference action, Applicant assumes that the Office is taking official notice of the missing elements from an undisclosed source. Applicant respectfully objects to the taking of official notice, and pursuant to M.P.E.P. § 2144.03, Applicant traverses the assertion of official notice and requests that the Office cite a reference that teaches the missing element. If the Office cannot cite a reference that teaches the missing element, applicant respectfully requests that the Office provide an affidavit that describes how the missing element is present in the prior art. If the Office cannot cite a reference or provide an affidavit, Applicant requests withdrawal of the rejections.

Because the instant application relies upon the cited reference as the parent case, the term of the instant application will expire the same day as the parent case. Withdrawal of the rejection is respectfully requested.

Conclusion


Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney ((801) 278-9171) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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By /  /
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